


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit 2024-0077</p>
	<p>Date Issued: August 22, 2024</p>
<p>In the Matter of the Application of</p> <p>GLENN MUTCHLER and LAURIE MUTCHLER Permittees</p> <p>for a permit pursuant to 9 NYCRR Part 578</p>	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Glenn Mutchler2. Laurie Mutchler

SUMMARY AND AUTHORIZATION

This permit authorizes the replacement of an existing on-site wastewater treatment system in a new location in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Stratford, Fulton County.

This authorization shall expire unless recorded in the Fulton County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the Fulton County Clerk's Office. The Agency will consider the project in existence when the onsite wastewater treatment system has been constructed.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

PROJECT SITE

The project site is a 0.55±-acre parcel of land located on East Shore Road and Pleasant Lake in the Town of Stratford, Fulton County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 36.16, Block 1, Parcel 1, and is described in a deed from John B. Henderson to Glenn Mutchler and Laurie Mutchler, dated December 17, 2009, and recorded January 11, 2010 in the Fulton County Clerk's Office at Book 1138, Page 206.

The project site contains shoreline on Pleasant Lake. The project site also contains wetlands with a value rating of "2". Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by a pre-existing single family dwelling constructed circa 1940 that is served by an on-site wastewater treatment system of un-known age and design, located between the pre-existing single family dwelling and Pleasant Lake.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the replacement of an on-site wastewater treatment system that serves the pre-existing single family dwelling. The existing system is of un-known age and design and is located between Pleasant Lake and the single family dwelling. The new on-site wastewater treatment system will be further from Pleasant Lake and closer to wetlands.

The project is shown on a 10-page document entitled, "Wastewater Treatment System Design," prepared for Laurie Mutchler, prepared by Mark Gaworecki, PE, and dated June 29, 2024 (Site Plan). A reduced-scale copy of the page titled "General Plan Layout" of the Site Plan for the project, is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Adirondack Park Agency regulations at 9 NYCRR § 578.2, a permit is required from the Adirondack Park Agency prior to the establishment of the absorption field of any on-site wastewater treatment system within 100 feet of any wetland in the Adirondack Park.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Fulton County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the on-site wastewater treatment system remains on the site. Copies of this permit and Site Plan shall be furnished by the permittee to all subsequent

owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.

3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2024-0077, issued August 22, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. If installed within five years of the date of issuance of this permit, the on-site wastewater treatment system shall be constructed in conformance with the location and design shown on the Site Plan. Construction of the system shall be supervised by a design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.
6. Silt fencing shall be installed as noted and shown on the Site Plan.
7. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.
8. Within 5 feet of the wetlands shown on the Site Plan, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
9. In the location of the on-site wastewater treatment system, topsoil and native grass seed shall be applied and seeded by the end of the first spring following installation as noted on the Site Plan.
10. The undertaking of any activity involving wetlands not authorized herein shall require a new or amended permit.


CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Freshwater Wetlands Act and 9 NYCRR Part 578. The Agency hereby finds that the project authorized as conditioned herein:

- a. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- b. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 22nd day of August, 2024.

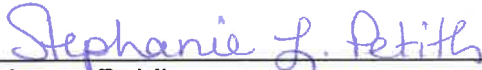
ADIRONDACK PARK AGENCY

BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

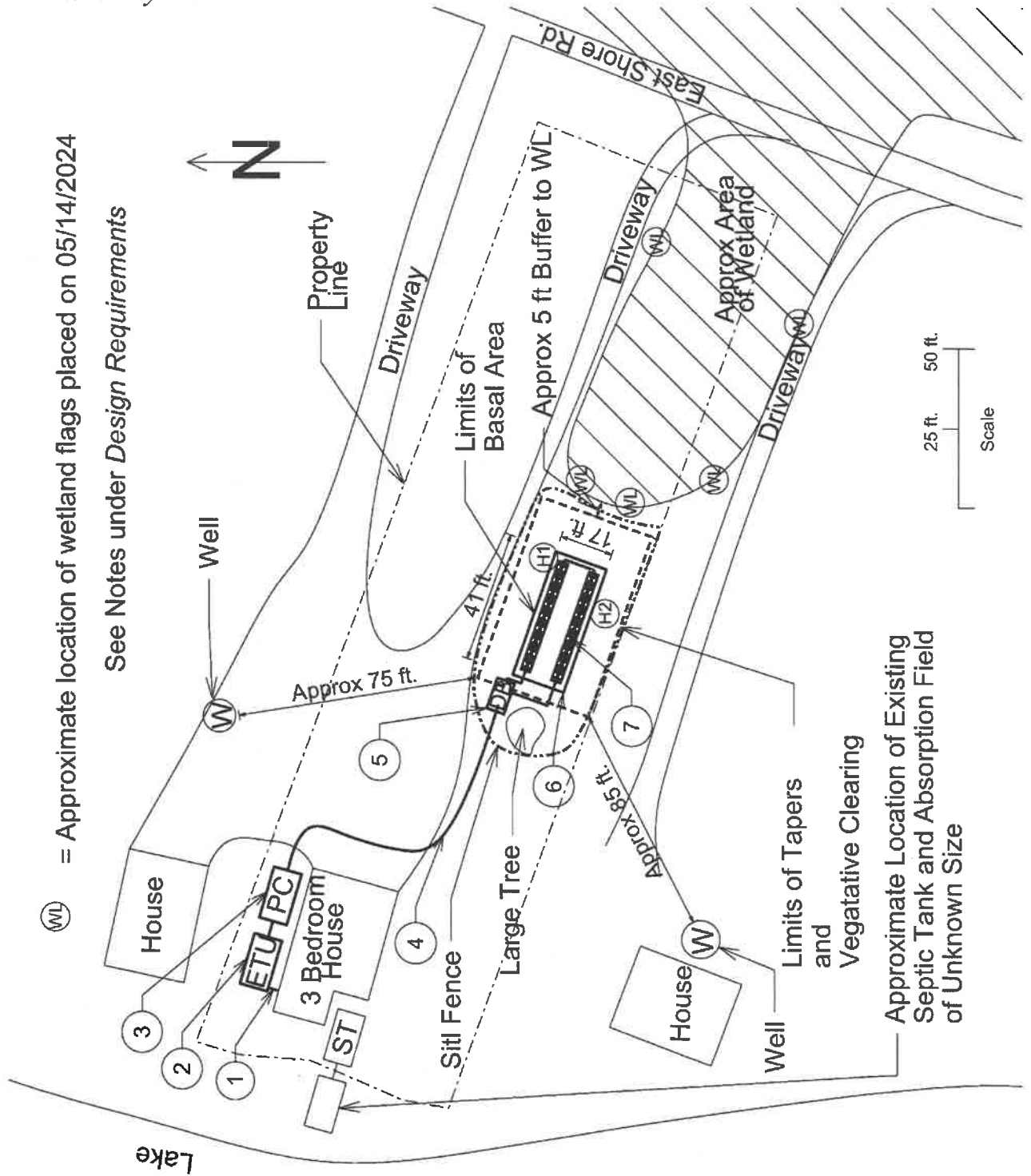
STATE OF NEW YORK
COUNTY OF ESSEX

On the 22nd day of August in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public

General Plan Layout



⊙WL = Approximate location of wetland flags placed on 05/14/2024
 See Notes under Design Requirements

Approximate Location of Existing
 Septic Tank and Absorption Field
 of Unknown Size

Mark Gaworecki, PE.
 107 East St.
 Herkimer, NY 13350
 315-868-2491
 mgaworecki@yahoo.com

150 East Shore Rd
 Stratford, NY 13407

